



General Assembly

January Session, 2015

Raised Bill No. 1063

LCO No. 4661



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING THE APPLICATION OF PESTICIDES ON
SCHOOL GROUNDS AND CERTAIN PUBLIC SPACES, AUTHORIZING
THE USE OF CERTAIN MICROBIALS AND REESTABLISHING THE
PESTICIDE ADVISORY COUNCIL.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 10-231a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in sections 10-231b to 10-231d, inclusive, as amended by
4 this act, [and section 19a-79a,] (1) "pesticide" means a fungicide used
5 on plants, an insecticide, a herbicide or a rodenticide, but does not
6 mean a sanitizer, disinfectant, antimicrobial agent or pesticide bait in a
7 tamper-resistant container, (2) "lawn care pesticide" means a pesticide
8 registered by the United States Environmental Protection Agency and
9 labeled pursuant to the federal Insecticide, Fungicide and Rodenticide
10 Act for use in lawn, garden and ornamental sites or areas. "Lawn care
11 pesticide" does not include any: (A) Microbial pesticide or biochemical
12 pesticide that is registered with the United States Environmental
13 Protection Agency, (B) horticultural soap or oil that is registered with

14 the United States Environmental Protection Agency and that does not
15 contain any synthetic pesticide or synergist, or (C) a pesticide classified
16 by the United States Environmental Protection Agency as an exempt
17 material under 40 CFR 152.25, [and] (3) "integrated pest management"
18 means use of all available pest control techniques, including judicious
19 use of pesticides, when warranted, to maintain a pest population at or
20 below an acceptable level, while decreasing the use of pesticides, (4)
21 "microbial pesticide" means a pesticide that consists of a
22 microorganism as the active ingredient, and (5) "biochemical pesticide"
23 means a naturally occurring substance that controls pests by nontoxic
24 mechanisms.

25 Sec. 2. Section 10-231b of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective October 1, 2015*):

27 (a) No person, other than a pesticide applicator with supervisory
28 certification under section 22a-54 or a pesticide applicator with
29 operational certification under section 22a-54 under the direct
30 supervision of a supervisory pesticide applicator, may apply pesticide
31 within any building or on the grounds of any school, other than a
32 regional agricultural science and technology education center. This
33 section shall not apply in the case of an emergency application of
34 pesticide to eliminate an immediate threat to human health where it is
35 impractical to obtain the services of any such applicator provided such
36 emergency application does not involve a restricted use pesticide, as
37 defined in section 22a-47.

38 (b) No person shall apply a lawn care pesticide on the grounds of
39 any public or private preschool or public or private school with
40 students in grade ~~[eight]~~ twelve or lower, except that [(1) on and after
41 January 1, 2006, until July 1, 2010, an application of a lawn care
42 pesticide may be made at a public or private school with students in
43 grade eight or lower on the playing fields and playgrounds of such
44 school pursuant to an integrated pest management plan, which plan
45 (A) shall be consistent with the model pest control management plan

46 developed by the Commissioner of Energy and Environmental
47 Protection pursuant to section 22a-66*l*, and (B) may be developed by a
48 local or regional board of education for all public schools under its
49 control, and (2)] an emergency application of a lawn care pesticide
50 may be made to eliminate a threat to human health, as determined by
51 the local health director, the Commissioner of Public Health, the
52 Commissioner of Energy and Environmental Protection or, in the case
53 of a public school, the school superintendent.

54 Sec. 3. Section 10-231d of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective October 1, 2015*):

56 (a) As used in this section, ["local or regional board of education"
57 means a local or regional board of education which has an integrated
58 pest management plan for the schools under its control that is
59 consistent with an applicable model plan provided by the
60 Commissioner of Energy and Environmental Protection under section
61 22a-66*l* and] "school" means a school, other than a regional agricultural
62 science and technology education center, under the control of a local or
63 regional board of education.

64 [(b) On and after July 1, 2000, at the beginning of each school year,
65 each local or regional board of education shall provide the staff of each
66 school with written guidelines on how the integrated pest
67 management plan is to be implemented and shall provide the parents
68 or guardians of each child enrolled in each school with a statement that
69 shall include a summary of the integrated pest management plan for
70 the school. Such statement shall be provided to the parents or guardian
71 of any child who transfers to a school during the school year. Such
72 statement shall (1) indicate that the staff, parents or guardians may
73 register for notice of pesticide applications at the school, and (2)
74 describe the emergency notification procedures provided for in this
75 section. Notice of any modification to the integrated pest management
76 plan shall be sent to any person who registers for notice under this
77 section.]

78 [(c)] (b) On and after July 1, 2000, parents or guardians of children in
79 any school and school staff may register for notice of pesticide
80 application at their school. Each school shall maintain a registry of
81 persons requesting such notice. Notice under this subsection shall
82 include (1) the name of the active ingredient of the pesticide being
83 applied, (2) the location of the application on the school property, (3)
84 the date of the application, and (4) the name of the school
85 administrator, or a designee, who may be contacted for further
86 information.

87 [(d)] (c) On and after July 1, 2000, a local or regional board of
88 education shall provide notice, by any means practicable, to any
89 person who has requested notice under subsection (b) of this section
90 on or before the day that [any] such application of pesticide is to take
91 place at a school. No application of pesticide may be made in any
92 building or on the grounds of any school during regular school hours
93 or during planned activities at any school except that an emergency
94 application may be made to eliminate an immediate threat to human
95 health if (1) it is necessary to make the application during such a
96 period, and (2) such emergency application does not involve a
97 restricted use pesticide, as defined in section 22a-47. No child may
98 enter an area of such application until it is safe to do so according to
99 the provisions on the pesticide label.

100 [(e)] (d) A copy of the record of each pesticide application at a
101 school shall be maintained at the school for a period of five years. Such
102 record shall include the information required under section 22a-66a.

103 Sec. 4. (NEW) (*Effective October 1, 2015*) (a) As used in this section:

104 (1) "Pesticide" means a fungicide used on plants, an insecticide, a
105 herbicide or a rodenticide but does not mean a sanitizer, disinfectant,
106 antimicrobial agent or a pesticide bait in a tamper-proof container;

107 (2) "Microbial pesticide" means a pesticide that consists of a
108 microorganism as the active ingredient;

109 (3) "Biochemical pesticide" means a naturally occurring substance
110 that controls pests by nontoxic mechanisms;

111 (4) "Lawn care pesticide" means a pesticide registered by the United
112 States Environmental Protection Agency and labeled pursuant to the
113 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
114 garden and ornamental sites or areas except (A) a microbial pesticide
115 or biochemical pesticide that is registered with the United States
116 Environmental Protection Agency, (B) a horticultural soap or oil that is
117 registered with the United States Environmental Protection Agency
118 and does not contain any synthetic pesticide or synergist, or (C) a
119 pesticide classified by the United States Environmental Protection
120 Agency as an exempt material pursuant to 40 CFR 152.25;

121 (5) "Certified pesticide applicator" means a pesticide applicator with
122 (A) supervisory certification under section 22a-54 of the general
123 statutes, or (B) operational certification under section 22a-54 of the
124 general statutes, who operates under the direct supervision of a
125 pesticide applicator with said supervisory certification;

126 (6) "Controlling authority" means the executive head of the
127 municipal department responsible for the maintenance of a park,
128 playground, other than a playground located on the premises of a
129 school, athletic field or municipal green, or such person's designee.
130 Controlling authority does not include the executive head of any
131 municipal department responsible for the maintenance of any school;
132 and

133 (7) "Athletic field" means any field or open space used for sporting
134 or sporting-related activities, but does not include a golf course or any
135 such field or open space located on the premises of a school or college
136 or that is used for professional sporting or sporting-related activities.

137 (b) No person other than a certified pesticide applicator shall apply
138 pesticide within any park, playground, other than a playground
139 located on the premises of a school, athletic field or municipal green,

140 except a person other than a certified pesticide applicator may make an
141 emergency application of pesticide to eliminate an immediate threat to
142 human health, including, but not limited to, the elimination of
143 mosquitoes, ticks and stinging insects, provided (1) the controlling
144 authority determines such emergency application of pesticide to be
145 necessary, (2) the controlling authority deems it impractical to obtain
146 the services of a certified pesticide applicator, and (3) such emergency
147 application of pesticide does not involve a restricted use pesticide, as
148 defined in section 22a-47 of the general statutes.

149 (c) No person shall apply a lawn care pesticide on the grounds of
150 any park, playground, other than a playground located on the
151 premises of a school, athletic field or municipal green, except: (1) An
152 emergency application of pesticide may be made to eliminate an
153 immediate threat to human health, including, but not limited to, the
154 elimination of mosquitoes, ticks and stinging insects, provided (A) the
155 controlling authority determines such emergency application of
156 pesticide to be necessary, and (B) such emergency application of
157 pesticide does not involve a restricted use pesticide, as defined in
158 section 22a-47 of the general statutes; and (2) an application of a lawn
159 care pesticide may be made on ornamental plants located on a
160 municipal green.

161 (d) Prior to providing for any application of pesticide on the
162 grounds of any park, playground, other than a playground located on
163 the premises of a school, athletic field or municipal green, the
164 controlling authority shall, within the existing budgetary resources
165 available to the controlling authority, provide public notice of such
166 application not later than twenty-four hours prior to such application
167 of pesticide. Such public notice shall be posted on the Internet web site
168 of the applicable municipality. If a controlling authority determines an
169 emergency application of pesticide to be necessary pursuant to
170 subsection (c) of this section, such notice shall be given as soon as
171 practicable. Notice under this subsection shall include (1) the name of
172 the active ingredient of the pesticide being applied, (2) the target pest,

173 (3) the location of the application of pesticide on the grounds of the
174 park, playground, other than a playground located on the premises of
175 a school, athletic field or municipal green, and (4) the date or proposed
176 date of the application of pesticide. A copy of each notice of such
177 application of pesticide at a park, playground, other than a playground
178 located on the premises of a school, athletic field or municipal green
179 shall be maintained by the controlling authority for a period of five
180 years from the date of application of the pesticide and available to
181 members of the public.

182 Sec. 5. Section 22a-65 of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective October 1, 2015*):

184 (a) After public hearing, the commissioner may make regulations
185 governing the disposal of any pesticide or any container therefor, to
186 prevent pollution of any waterway and to protect plant and animal
187 life. Such regulations shall be consistent with Section 19(a) of FIFRA
188 and regulations promulgated thereunder.

189 (b) The commissioner shall, in cooperation with the college of
190 agriculture and natural resources of The University of Connecticut, the
191 Connecticut Agricultural Experiment Station and other public
192 agencies, publish information regarding proper application or
193 handling of pesticides and methods and precautions designed to
194 prevent damage and injury.

195 (c) The commissioner may undertake such monitoring activities,
196 including but not limited to monitoring in air, soil, water, man, plants
197 and animals, as may be necessary for the implementation of this part,
198 subsection (a) of section 23-61a or section 23-61b, and of the National
199 Pesticide Monitoring Plan. Such activities shall be carried out in
200 cooperation with federal, state and local agencies.

201 (d) [The] On and after the effective date of this section, the
202 commissioner shall establish a Pesticide Advisory Council consisting
203 of, but not limited to, the director of the Agricultural Experiment

204 Station, the state entomologist, the Commissioner of Agriculture, the
 205 Commissioner of Public Health, an epidemiologist, as selected by the
 206 commissioner, and the dean of the college of agriculture of The
 207 University of Connecticut or [their] said director's, commissioners' or
 208 dean's respective designees. The council shall meet [at least annually]
 209 not less than once every six months and the commissioner [may] shall
 210 consult with the Pesticide Advisory Council on technical and policy
 211 matters involving the application and use of pesticides, [the
 212 determination of imminent hazards and the unreasonable adverse
 213 effects on the environment before promulgating regulations or orders
 214 in carrying out this part, subsection (a) of section 23-61a and sections
 215 23-61b and 23-61f] including, but not limited to, (1) the need to expand
 216 the prohibitions contained in section 4 of this act to other properties,
 217 including, but not limited to, all state properties, highways and
 218 facilities, and (2) the adoption of best management practices for the
 219 enhancement of pollinator habitat on state-owned property, including,
 220 but not limited to, agricultural lands.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-231a
Sec. 2	<i>October 1, 2015</i>	10-231b
Sec. 3	<i>October 1, 2015</i>	10-231d
Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>October 1, 2015</i>	22a-65

Statement of Purpose:

To authorize the use of certain microbials for the control of grubs, expand the current prohibition on the application of lawn care pesticides at schools to include grades nine through twelve, prohibit the application of lawn care pesticides on athletic fields and municipal greens and re-establish the Pesticide Advisory Council.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]